

14 January 1964

MEMORANDUM FOR: Mr. Warner

SUBJECT: Alien Communications Legislation

1. Your request for further information regarding H. R. 750 reveals that previous Agency interest did not involve this bill. Attached are communications from the Bureau of the Budget and our response with respect to a related bill, S. 920, and its companion bill, H. R. 7309. S. 920 related to authorization for amateur radio operators licensed abroad, to maintain operations in the United States. The bill permitted such activity by aliens on the basis of reciprocity with the country of their origin. This Agency commented upon an amendment in the referenced attachments. S. 920 has passed the Senate with amendments and is now pending before the House Interstate and Foreign Commerce Committee. The House has scheduled no hearings to date. H. R. 750 is also pending before the same Committee and no hearings are scheduled.

2. There may be a difficulty with H. R. 750 arising from application of the Administrative Procedures Act. H. R. 750 authorizes issuance of licenses to aliens for amateur radio stations. Section 2 (d) of the APA includes licensing as "adjudication". APA section 5 in providing procedures for adjudication, exempts matters involving the conduct of foreign affairs. This exemption might apply to H. R. 750 because the latter requires a finding of a reciprocity by a foreign nation. However, it is not certain that this alone would meet the requirements for exemption from section 5. S. 920 and H. R. 7309 differ radically in this respect. The latter bills exempt procedures thereunder from provisions of the APA. Likewise, the latter two bills deal with authorization of activity by aliens licensed in other countries, while S. 920 deals with licensing itself.



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Perhaps Jsu
ought to focus
again on whether we
are interested in
HR 758